



2020 South Dakota Legislature

Senate Bill 49

Introduced by: **Senator Maher**

1 **An Act to add gravel to the definition of a mineral.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 45-5A-3 be AMENDED:

4 **45-5A-3. Definitions.**

5 Terms used in this chapter, ~~unless the context otherwise clearly requires,~~ mean:

- 6 (1) "Agricultural production," the production of any growing grass or crop attached to
7 the surface of the land, whether or not the grass or crop is to be sold commercially,
8 and the production of any farm animals, whether or not the animals are to be sold
9 commercially;
- 10 (2) "Mineral development," the exploration for or drilling of an oil and gas well or
11 mineral test hole which requires entry upon the surface estate and was commenced
12 subsequent to June 30, 1982, and the oil and gas production operations ensuing
13 therefrom;
- 14 (3) "Mineral developer," the person who acquires the mineral estate or lease for the
15 purpose of extracting or using the minerals for nonagricultural purposes;
- 16 (4) "Mineral estate," an estate in or ownership of all or part of the minerals underlying
17 a specified tract of land;
- 18 (5) "Mineral," any substance with economic value, whether organic or inorganic, that
19 can be extracted from the earth, including oil ~~and~~ gas, and gravel, but excluding
20 water;
- 21 (6) "Surface estate," an estate in or ownership of the surface of a particular tract of
22 land;
- 23 (7) "Surface owner," the person who has possession of the surface of the land, if other
24 than the mineral developer, either as an owner or as a lessee.